

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

JENNER TORRENCE,)	
)	
Plaintiff,)	
)	No. 24-258
v.)	(Judge Kathryn C. Davis)
)	
THE UNITED STATES,)	
)	
Defendant.)	

JOINT MOTION TO CONTINUE STAY

Pursuant to the Court's March 4, 2025 order (ECF No. 16), plaintiff, Jenner Torrence, and defendant, the United States, respectfully request that the Court continue the stay in this case through April 18, 2025, to allow the Air Force Board for the Correction of Military Records (AFBCMR or Board) sufficient time to issue its remand decision in this matter and for Mr. Torrence to have adequate time to review the board's decision and determine whether it is necessary for him to proceed in this Court with the claims he advanced in his complaint.

When she received the Court's March 4, 2025 order, Government counsel contacted counsel in the Air Force's Judge Advocate General's Corps Military Personnel Law and Litigation Branch and requested that his office reach out to the board for additional information. The board advised that Mr. Torrence's case is scheduled to be boarded on March 11, 2025. The board further advised that, after the panel meets to confer on Mr. Torrence's application, it intends to expedite the processing of a decision so that it is able to issue by the end of March 2025. Finally, the board explained that it is overextended with cases, including remands, and that this case required it to set up a process to address the video evidence submitted by Mr.

Torrence with his application (the board does not routinely receive video evidence) which unexpectedly delayed the processing of the application.¹

The parties respectfully request that the Court continue the stay because the review process at the board almost is completed and, in the absence of a stay, the Board would be required to cease work on Mr. Torrence's application because it does not possess authority to entertain claims that are actively under consideration by this Court. If the board grants Mr. Torrence the relief that he seeks, his claims before this case will be rendered moot. And if the Board denies the relief that he seeks, and further proceedings in this Court are warranted, the Court will have the benefit of a consolidated record, compliant with required procedures, and inclusive of all the evidence and arguments advanced by Mr. Torrence during the board proceedings.

Accordingly, for the foregoing reasons the parties respectfully request that the Court continue the stay in this case through April 18, 2025.

¹ Mr. Torrence and his counsel have expressed to the AFBCMR their eagerness to attend any in-person hearing necessitated by this evidence, in particular so that Mr. Torrence can personally identify the individuals appearing in the photos and video footage at the relevant timestamps. They requested this in-person hearing on a DD Form 149 submitted to the AFBCMR on or about October 3, 2024, and will work with the AFBCMR to expedite any such hearing as much as they possibly can; but they recognize that the need for an in-person hearing may slow the process slightly.

Respectfully submitted,

/s/Sean C. Timmons

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